
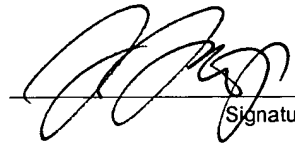




Doc Code: AP.PRE.REQ

PTO/SB/33 (07/05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		ITL.1083US (P18347)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR on <u>July 18, 2006</u> Signature <u></u> Typed or printed name <u>Nancy Meshkoff</u>	Application Number		Filed
	10/751,018		December 31, 2003
	First Named Inventor		
	Michael K. Eschmann		
		Art Unit	Examiner
		2186	Paul W. Schlie
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Timothy N. Trop	
<input checked="" type="checkbox"/> attorney or agent of record.		Typed or printed name	
Registration number <u>28,994</u>		(713) 468-8880	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.		July 18, 2006	
Registration number if acting under 37 CFR 1.34 _____		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Michael K. Eschmann	§	Art Unit:	2186
Serial No.:	10/751,018	§	Examiner:	Paul W. Schlie
Filed:	December 31, 2003	§	Docket:	ITL.1083US
For:	Ordering Disk Cache Requests	§		P18347
		§	Assignee:	Intel Corporation
		§		

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF PRE-APPEAL REQUEST FOR REVIEW

Sir:

Pre-appeal review is requested because there is no way that the cited reference could ever possibly meet the claimed invention, either by anticipation or by single-reference obviousness.

The claimed invention requires a prioritization scheme in which a certain type of request, called a demand request, is prioritized over a non-demand request. Demand requests may be, for example, a request to write data to or read data from a cache disk subsystem. If it is determined that there is a pending demand request to the cache disk subsystem, it is executed and then, and only then, or if not, executing non-demand requests. Thus the central concept is to determine whether there is a demand request, and only if there is not a demand request, execute a non-demand request. This requires that you always determine whether there are any demand requests.

The cited reference never distinguishes between demand requests and other requests. More pointedly, while not using the words “demand” or “non-demand”, the cited reference does not

Date of Deposit: July 18, 2006

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Nancy Meshkoff


distinguish between read or write requests and other type of request. Even more importantly, it never determines whether there is any type of demand request pending before executing non-demand requests.

The argument of inherency is not viable because the claim requires that you determine whether there is a demand request or not before you execute the non-demand request. The situation where there is only a non-demand request and it is executed does not fall within the claim. To execute a single pending request in the form of a non-demand request under the claimed invention requires, first, a check to determine whether there are any demand requests. This would never be done in the cited reference.

Therefore the rejection should be reconsidered.

Respectfully submitted,

Date: July 18, 2006



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